

## REMARKS

### *Claim Objections*

Claims 2-27 has been corrected as required by Examiner.

- 5           Informalities according to Office Action Paras. 2 - i) ii) and iii) have been corrected as suggested in the Office Action.

          Informality according to Office Action Para. 2 - iv) has been corrected to read “being derived from of at least one demand or supply client computer.”

### *Claim Rejections – 35 USC § 112*

- 10       Office action is rejecting claims 13-16 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing particularly point out and distinctly claim the subject matter which applicants regard as the invention.

          Conventional GPS devices might be able to pinpoint a location of a restaurant on a computer screen relative to user’s location. Some programs are used to monitor fleet  
15       vehicles movement and location. Obradovich describes a program which gives coordinates of a second user after first user has contacted him/her with a cell phone. Based on the received coordinates the location can be shown on a map of a computer screen of the first user.

          In conventional applications user is monitoring a known person or object first user being  
20       “master” and other users being “slaves”. Master is able to monitor slaves but slaves are not able to monitor master. Conventional applications are not able to search previously unknown mobile profiles by using mobile device in dynamic, constantly changing situation and additionally not only allowing Demand to pinpoint Supply, but also Supply to pinpoint Demand.

- 25       Firstly Claim 1 includes a search engine which enables mobile Demand user to locate plurality (not only one at time) of mobile Supply users within a given distance, whether they are known or unknown and pinpoint them on a map of a mobile units screen. Secondly it enables any of the Supply users counter search “who are looking for me” and pinpoint the Demand users on a map of a Supply mobile units screen. When both groups

know each others' position they can start approaching each other geographically to make a match.

According to Claim 13, which includes the elements of base Claim 1, the host server  
 5 derives geographic location information from both demand client computers and from supply client computers. The host server then provides demand-side geographic location information to a supply client computer, and similarly provides client-side geographic information to a demand client computer. It is respectfully submitted that Examiner's comments in the Office Action at P. 2, Para. 3 overlook the claimed role of the host  
 10 server.

Additionally, Examiner's comment at Page 2, first four lines of last paragraph fails to accurately quote from Claim 13, as that claim states "*wherein at least one of* [emphasis added on foregoing language omitted from Examiner's quote] said supply-side geographic location information and said demand side geographic information being  
 15 derived from at least one supply side or demand client computer." Once the foregoing, emphasized claim language is considered, the definiteness of the subject claim language will be appreciated.

For the foregoing reasons, Claims 13-16 comply with 35 USC 112 regarding definiteness of claim language.

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### ***Claim Rejections – 35 USC §103***

Office action is rejecting claims 1-6, 11, 13-16, 18-26 as being obvious under 35 U.S.C. 103 (a) and unpatentable by Tanaka, US Patent # 6,819,919 in view of Obradovich, US Patent # 6,525,768. This rejection is respectfully traversed for the following three,  
 25 independent and alternative reasons.

#### **1. Lack of prima facie case of obviousness of Claim 1**

Office Action at P. 4 is wrongfully quoting Claim 1, paragraph f). Office Action quotes the following from Claim 1, but omits the emphasized language contained in brackets which is contained in Claim 1 and defines an important aspect of Applicants' invention:

f) based on said searching, said host server providing at least one of:

i) said of supply client computers with [*at least location information and*] a current contact means of said demand client computers matching supply parameters; or

5 ii) said demand client computers with [*at least location information and*] a current contact means of said supply client computers matching demand parameters;

As will be discussed below, Examiner's lack of quoting the foregoing emphasized elements of Claim 1 has apparently led Examiner to fail to state a prima facie case of  
10 obviousness of Claim 1.

Paragraph f) together with paragraph e) are crucially distinguishing over Tanaka characterized that the exact location of Demand and Supply is given out to both Mobile units (MU) to be pinpointed on a map of mobile unit. Tanaka does not give location of the "search-result-users" out to the MU but only provides a list of "Permitted" "Nearby"  
15 "Matches" (Fig 4 –last box, Col. 6 lines 46-67) for the first user. Tanaka's invention fails to provide location coordinates of the search results, contrary to Claim 1. Even if Tanaka's invention would have a map, it would not be able to pinpoint search results. Claim 1 not only provides the location of the search results to Demand MU but additionally provides Supply MU location of Demand MU, enabling Supply to make a  
20 counter search which answers the question "who is looking for me?" Also, this feature is lacking from Tanaka.

For the foregoing reasons, even if Tanaka's map is combined with Obradovitch's Mobile Unite (MU), the combination would be inoperative to practice the invention of Claim 1; or, in other words, would fail to state a prima facie case of obviousness of Claim 1.

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## **2. Tanaka is not a proper reference against Claim 1 re cited map feature**

Tanaka is not a proper reference for rejection of the present claims, for two reasons: (1) Applicants properly claim priority from US Provisional Patent Application No. 60/226,956 filed August 22, 2000; and (2) Tanaka's PPA Provisional Patent Application  
30 No. 60/162,333 filed October 29, 1999, fails to disclose the map feature relied on by Examiner in current Office Action. This matter was discussed in a telephone interview with Examiner Joshua Joo by Attorney Charles Bruzga and Applicant Veijo Tuoriniemi

on February 9, 2006. To summarize the interview, Examiner Joo suggested that

Applicants include their arguments on the foregoing matter with the present response.

- 5 In more detail, Applicants' US Provisional Patent Application No. 60/226,956 filed August 22, 2000 will be seen to have substantially the same disclosure regarding the map feature as the current application. For the convenience of Examiner, Applicants set forth Claim 1 with various inserted tables showing text from the foregoing PPA that provide antecedent support for the elements of such claim:

- 10 1(Previously amended) A computer assisted method of matching supply and demand, comprising steps of:

- a) having a demand-side geographic location information, and at least one demand parameter derived from at least one demand client computer;
- b) storing on said host server said demand-side geographic location information, and  
15 said at least one demand parameter;
- c) having a supply-side geographic location information, and at least one supply parameter derived from at least one supply client computer;
- d) storing on said host server said supply-side geographic location information, and said at least one supply parameter;

Antecedent support from PPA No. 60/226,956 filed August 22, 2000

*Computer program has a plurality of users offering (supply) and searching (demand) for a service or merchandise.*

*10) User enters search parameters and contact information to a server computer by using WAP enabled telephone handset, PDA (Personal Digital Assistant) or by using Personal Computer (PC) or other client computer. Server computer can be any Internet host computer.*

*A user defines search area. Area can be e.g. "10 miles around user's current location. Geographical location information is derived e.g. from the telephone's GPS-chip and it is forwarded to the server computer. (PPA 60/226,956 August*

22, 2000 page2, lines 8-16 -Fig 1)

e) said host server searching at least one of:

- i) said supply client computers having supply parameters matching said at least one demand parameter; or
- ii) said demand client computers having demand parameters matching said at least one supply parameter;

Antecedent support from PPA No. 60/226.956 filed August 22, 2000

*Service is activated by performing the Search. (PPA 60/226,956 page2, line 32 – Fig 1)*

f) based on said searching, said host server providing at least one of:

- iii) said of supply client computers with at least location information and a current contact means of said demand client computers matching supply parameters; or
- ii) said demand client computers with at least location information and a current contact means of said supply client computers matching demand parameters;

Antecedent support from PPA No. 60/226.956 filed August 22, 2000

*In the Figure 2 a customer performs a simple one button search 36 "Taxi" by clicking the icon on a screen. The "Taxi" demand and the customer's position, which is derived from a GPS system, are sent to a server computer by using telephone network. Pressing "Taxi" activates the search enables the customer show on taxi's search list. (PPA 60/226,956 Page 4, lines 3-4-Fig 2)*

*A near by Taxi Driver performs a simple one button search e.g. "Customer" within "0.2 miles". As a result the driver gets a list of customer's asking for service within 0.2 mile radius or alternatively customer's locations on a map as shown in Figure 4. On the middle of the map the driver sees his/her own position 40 as a circle and the customers looking for the service are spotted around him/her e.g. as twinkling stars 42x. (PPA 60/226,956 Page 3, lines 3-7 Fig. 2 & Fig. 4)*

*However, both, the customer and a driver has their information saved on a server computer and either of them can contact each other's anonymously by phone 48 e.g. to get more detailed driving directions. (PPA 60/226,956 Page 4, lines 17-18 –Fig 5)*

*User can contact Item (demand or supply source) by using two-way pager, cellular telephone, instant messenger or e-mail through the server computer. If desired, the initial contact can be made anonymously by not showing caller's or recipient's or either one's telephone number or other contact information. (PPA 60/226,956 Page 3, lines 13-16 –Fig 8)*

g) at least one of said demand-side geographic location information and said supply-side geographic information being updated automatically on said host server in real time from a geographic location information system.

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Antecedent support from PPA No. 60/226.956 filed August 22, 2000

*Search engine matches demand and supply based on given parameters and geographical location based on positioning system such as GSP (Global Positioning System). Matching items, matching newly entered items and previously entered matching items coming within the reach of the search area are alarmed by a server computer and shown on a WAP (Wireless Application Protocol) enabled cellular telephone handset. (PPA 60/226,956 Field Of Invention Page 1, lines 13-18)*

*During the continuous search user's position coordinates are updated to a server computer after every predetermined time period. The connection to the server computer can be a continuously open line or the connection is re-established every time to give the new position. (PPA 60/226,956 Page 2, lines 33-34, page 3, lines 1-3 –Fig 1)*

*During continuous search mode the server computer will alarm all new entries satisfying the parameters on the search area. The computer also checks the movement of previously entered, matching entries. When an existing, matching entry enters the geographical search area, the program will alarm the user by sending a message to the user's handset. (PPA 60/226,956, lines 18-22 –Fig 1)*

Tanaka's mentioned PPA fails to disclose the map feature relied on by Examiner in current Office Action to reject Claim 1. As such, Tanaka's map feature is not entitled to any priority date before Tanaka actually filed his regular patent application resulting in the Tanaka patent. Tanaka's PPA's lack of description of the subject map feature is discussed in more detail as follows.

In paragraph 9 on page 5 Office Action refers Tanaka teaching:

10       *"a user device having a displayable map. The teachings of Obradovich to provide the geographic location information of users would enhance the capability of Tanaka's teaching by allowing the user to easily determine the location of the matched user by looking on a displayable map."*

In a patent application filed Oct. 18, 2000 (Col. 3, lines 7-15) Tanaka describes

15       *"a way to manually enter user's position into the mobile unit by tapping on a map displayed on a computer screen resulting in the automatic relaying of the users current geographic position to the SRTTP database."*

However, as a matter of facts, this was not described in Tanaka's Provisional Patent Application No. 60/162,333, filed October 29, 1999 (hereinafter, "Tanaka's PPA"). but rather was presented as new matter in his regular U.S. patent application resulting in the Tanaka patent.

20       Tanaka's new matter was presented later than Applicants' Priority date of Provisional Patent Application 60/226,956 filed August 22, 2000

Tanaka's PPA does not even suggest a map. Thus, in an example described in Tanaka's U.S. Provisional application Ser. No. 60/162,333 filed Oct. 29, 1999 in example scenario, (Page 5, Column 2 –Page 6, Column 1) Tanaka describes person named "Pat" looking for skaters in Barcelona, Spain within 2 mile radius by searching the users profiles and finds "Jorge" within the search area. Eventually after talking in the phone they decide to meet.

Supposing that Pat has never been in Barcelona before and do not know the city, it does not help him to go to find Jorge even if Jorge would give his address available in his profile. Ultimately Pat would need a map in at least in conventional paper form to find his way to Jorge. However, Tanaka does not even suggest a map, further showing deficiency in Tanaka's PPA.

For the foregoing reasons, Tanaka should be withdrawn as a prior art reference.

### **3. Obradovich's cell phone technology not properly combinable with Tanaka's computer server technology**

Obradovich is presenting a way to pinpoint user on an on-screen map based on GPS and  
5 after contacting a second GPS user by using e.g. a cellular telephone link and getting his  
location, based on GPS, pinpoint also him on the same map (Col. 12, lines 11-19).  
Obradovich's invention can be used to monitor pre-known objects, fleet vehicles or  
corporate personnel in order to locate them real time –one at time when a phone line is  
open. This technology is not properly combinable with Tanaka's computer server  
10 technology.

Even if Tanaka's invention was somehow combined with Obradovich's invention, it  
would be awkward and cumbersome and thus not an adequately motivated combination.  
User would get a search results within a 2 mile radius, but no location coordinates related  
to results, therefore the results cannot be pinpointed on the map. Obradovitch needs to  
15 get in one-to one telecommunication contact with a user in order to have user's location  
coordinates and get user pinpointed on-screen, indeed -one at time, providing that other  
user answers the request or gives permission as required by Tanaka.

The deficiencies of the foregoing awkward and cumbersome combination are avoided by  
20 the invention of Claim 1. This is because the invention of Claim 1 provides Mobile Unit  
(e.g., demand client computer or supply client computer) with search results with location  
coordinates, enabling immediate, automatic and constantly updated location, dynamically  
changing, real-time information about multiple search results – all pinpointed on the map  
at the same time.

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### **Summary and Conclusion**

Applicants point out that Claim 1 defines a powerful and useful, previously unsuggested  
GPS, two-way-based search engine for traders to buy (Demand) end sell (Supply).

Present scheme has a Demand side and a Supply side where Demand can be Supply and  
30 Supply can be Demand at the same time. Demand can contact Supply to buy and Supply  
is able to contact Demand to offer.



According to Claim 1, a person on the street turns his mobile phones "Taxi-Demand" request on and gets "Taxi-Supply" results pinpointed on the map of his PDA screen around his own position.

- 5 What has been never before suggested is that Supply, e.g. taxi, would be able to make a "reverse search" e.g. "who is looking for me?" and see on a computer screen where the Demand is. For example in New York this would make customer able to see where the taxis are and enable Taxis to search where the customers are, thus making it easier for both to approach each others more accurately on the same street.
- 10 Simultaneously taxi can be "Supply" for the customer looking for taxi and have "Demand" search for customers on his own computer. Various ways parties are able to contact each been described in the specification.

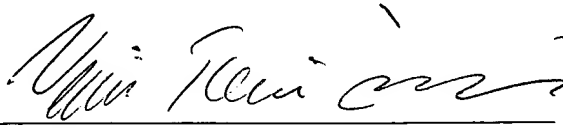
Since Claim 1 patentably distinguishes over the prior art, Claim 1 and its dependent claims should be allowed. Moreover, the dependent claims distinguish over the prior art  
15 with even greater force than Claim 1.

### ***Certificate of Mailing***

I hereby certify that this correspondence and the documents referred to therein are being deposited with the United States Postal Service as Priority Mail with Delivery  
20 Confirmation in an envelope addressed to the Assistant Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, with sufficient postage on a date appearing below. Respectfully submitted

February 10, 2006

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